

LOCAL RULES OF PRACTICE
for the
UNITED STATES DISTRICT COURT
for the DISTRICT OF NEVADA

Local Rules IA - Introduction

LR IA 1-1. TITLE.

These are the Local Rules of Practice for the United States District Court for the District of Nevada. These rules are divided into the following parts: Part IA (Introduction); Part IB (United States Magistrate Judges); Part II (Civil); Part III (Bankruptcy); Part IV (Criminal); and Part V (Rules Applicable in Special Proceedings and Appeals). The rules in Parts II, III and IV are numbered to correspond to their Federal Rules of Civil, Bankruptcy or Criminal Procedure counterparts. The rules in Parts IA through III may be cited as "LR ____;" those in Part IV, as "LCR ____;" and the rules in Part V, as "LSR ____."

LR IA 2-1. SCOPE OF THE RULES; CONSTRUCTION.

These rules shall be construed so as to be consistent with the Federal Rules of Civil, Bankruptcy and Criminal Procedure they supplement. The provisions of Parts IA and II apply to all actions and proceedings, including civil, criminal, bankruptcy and admiralty, except where they may be inconsistent with rules or provisions of law specifically applicable thereto. The provisions of Part IB apply to all actions and proceedings, excluding bankruptcy, except where they may be inconsistent with rules or provisions of law specifically applicable thereto.

LR IA 3-1. SUSPENSION OR WAIVER OF THESE RULES.

The court may *sua sponte* or on motion change, dispense with, or waive any of these rules if the interests of justice so require.

LR IA 4-1. SANCTIONS.

The court may, after notice and opportunity to be heard, impose any and all appropriate sanctions on an attorney or party appearing *in pro se* who, without just cause:

- (a) Fails to appear when required for pretrial conference, argument on motion, or trial;
- (b) Fails to prepare for a presentation to the court;
- (c) Fails to comply with these rules; or
- (d) Fails to comply with any order of this court.

LR IA 5-1. EFFECTIVE DATE.

These rules, as amended, shall take effect on May 1, 2006, and govern all proceedings in actions pending on or after that date.

LR IA 6-1. COURT STRUCTURE; DIVISIONS OF THE DISTRICT OF NEVADA.

The State of Nevada constitutes one judicial district. The district has two unofficial divisions:

Southern Division: Clark, Esmeralda, Lincoln and Nye Counties.

Northern Division: Carson City, Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Mineral, Pershing, Storey, Washoe and White Pine Counties.

LR IA 7-1. OFFICES OF THE CLERK.

The clerk of the court maintains offices at Las Vegas for the southern division of the court and at Reno for the northern division of the court. The clerk's offices are open to the public from 9:00 a.m. until 4:00 p.m., Monday through Friday, legal holidays excepted. The clerk may institute administrative procedures for filing pleadings and papers and, in an emergency, shall on request transact public business at other times.

LR IA 8-1. PLACE OF FILING.

(a) Civil actions shall be filed in the clerk's office for the division of the court in which the action allegedly arose. However, in civil rights actions filed by inmates proceeding *in pro se*, the action shall be filed in the division in which the inmate is held when the complaint is submitted for filing or, if the inmate is not held in this district, then in the division in which the events giving rise to a cause of action are alleged to have occurred.

(b) In criminal cases where the alleged offense was committed in more than one division, the government may elect either division for filing the indictment or information.

(c) The court may in its discretion direct that proceedings or trial take place in the division other than the division where filed. Unless otherwise ordered, however, all filings shall be made and proceedings had in the division of the court in which the case was originally filed.

LR IA 9-1. INSPECTION, CONDUCT IN COURTROOM AND ENVIRONS, AND FORFEITURE.

(a) All persons entering any United States Federal Building and Courthouse in this district and all items carried by such persons shall be subject to appropriate screening and checking by any United States Marshal or Security Officer of the General Services Administration. Entrance to the United States Federal Building and Courthouse will be denied any person who refuses to cooperate in such screening or checking.

(b) All wireless communications devices shall be turned off while in any United States courtroom or hearing room in this district. Wireless communication devices may be used in a United States courtroom or hearing room in this district with the express permission of the judge presiding in that courtroom or hearing room.

Wireless communication devices are electronic devices that are capable of either sending or receiving data such as sounds, text messages, or images. Such devices shall include, but are not limited to, mobile phones, laptop computers and personal digital assistants (PDAs).

(c) Cameras, recording, reproducing and transmitting equipment which are not part of a wireless communication device as defined in (b) above, are prohibited in all United States courthouses in this district unless otherwise authorized. Cameras, recording, reproducing and transmitting equipment, which are part of a wireless communication device, shall not be used in any courtroom or hearing room without the express approval of the presiding judge or officer. Failure to abide by this rule may result in the forfeiture of any such device.

(d) Unless provided by special order of the court, no person shall carry or possess firearms or deadly weapons in any United States courthouse in this district. The United States Marshal, any deputy marshal, and officers of the Federal Protective Service shall be exempt from this provision.

LR IA 10-1. ADMISSION TO THE BAR OF THIS COURT; ELIGIBILITY AND PROCEDURE.

(a) Practice of Attorneys Admitted in Nevada and Maintaining Nevada Offices.

(1) In order to practice before the District or Bankruptcy Court an attorney must be admitted to practice under the following provisions. An attorney who has been admitted to practice before the Supreme Court of Nevada, and who is of good moral and professional character, is eligible for admission to the bar of this court.

(2) A member of the bar of this court shall certify in a written motion on a form provided by the clerk that the petitioner is a member of the State Bar of Nevada and of good moral and professional character.

(3) The applicant shall subscribe the roll of attorneys and pay the clerk the admission fee fixed by the Judicial Conference of the United States plus such additional amounts as the court shall fix from time to time.

(4) The applicant must take the following oath or affirmation after which the clerk shall issue a certificate of admission to the applicant:

I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the Courts of Justice and Judicial Officers, and that I will conduct myself as an attorney and counselor of this Court uprightly, so help me God.

(b) Practice of Attorneys Admitted in Nevada but not Maintaining Nevada Offices.

(1) Application of rule. This rule applies to an attorney who is admitted to practice in Nevada but who does not maintain an office in Nevada. A post office box or mail drop location shall not constitute an office under this rule.

(2) Association or designation for service. Upon filing any pleadings or other papers in this court, an attorney who is subject to this rule shall either associate a licensed Nevada attorney maintaining an office in Nevada or designate a licensed Nevada attorney maintaining an office in Nevada, upon whom all papers, process, or pleadings required to be served upon the attorney may be so served, including service by hand-delivery or facsimile transmission. The name and office address of the associated or designated attorney shall be endorsed upon the pleadings or paper filed in the courts of this state, and service upon the associated or designated attorney shall be deemed to be serviced upon the attorney filing the pleading or other paper.

LR IA 10-2. ADMISSION TO PRACTICE IN A PARTICULAR CASE.

(a) An attorney who is not a member of the bar of this court, who has been retained or appointed to appear in a particular case may do so only with permission of the court. Application for such permission shall be by verified petition on the form furnished by the clerk. The attorney may submit the verified petition if the following conditions are met:

(1) The attorney is not a member of the State Bar of Nevada;

(2) The attorney is not a resident of the State of Nevada;

(3) The attorney is not regularly employed in the State of Nevada;

(4) The attorney is not engaged in substantial business, professional, or other activities in the State of Nevada;

(5) The attorney is a member in good standing and eligible to practice before the bar of any jurisdiction of the United States; and

(6) The attorney associates an active member in good standing of the State Bar of Nevada as counsel of record in the action or proceeding.

(b) The verified petition required by the rule shall be on a form furnished by the clerk. The verified petition shall be accompanied by the admission fee set by the court. The petition shall state:

- (1) The attorney's residence and office address;
 - (2) The court or courts to which the attorney has been admitted to practice and the date of such admission;
 - (3) That the attorney is a member in good standing of such court or courts;
 - (4) That the attorney is not currently suspended or disbarred in any court;
 - (5) Whether the attorney is currently subject to any disciplinary proceedings by any organization with authority to discipline attorneys at law;
 - (6) Whether the attorney has ever received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law;
 - (7) The title and case number of any matter, including arbitrations, mediations, or matters before an administrative agency or governmental body, in which the attorney or any member of the firm of attorneys with which the attorney is associated has filed an application to appear as counsel under this rule in the preceding three (3) years, the date of each application, and whether it was granted (if the firm has offices in multiple cities, only the information dealing with his or her office location need be provided);
 - (8) That the attorney certifies that he or she shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada; and
 - (9) That the attorney understands and shall comply with the standards of professional conduct of the State of Nevada and all other standards of professional conduct required of members of the bar of this court.
- (c) An attorney whose verified petition is pending shall take no action in the case beyond filing the first pleading or motion. The first pleading or motion shall state that the attorney "has complied with LR IA 10-2" or "will comply with LR IA 10-2 within ___ days.". Until permission is granted, the clerk shall not issue summons or other writ.
- (d) Unless otherwise ordered by the court, any attorney who is granted permission to practice pursuant to this rule shall associate a resident member of the bar of this court as co-counsel. The attorneys shall confirm the association by filing a completed designation of resident counsel on the form provided by the clerk. The resident attorney must have authority to sign binding stipulations. The time for performing any act under these rules or the Federal Rules of Civil, Criminal and Bankruptcy Procedure shall run from the date of service on the resident attorney. Unless otherwise ordered by this court, such resident attorney need not personally attend all proceedings in court.
- (e) In civil cases, attorneys shall have forty-five (45) days after their first appearance to comply with all the provisions of this rule.
- (f) In criminal cases, attorneys have ten (10) days after their first appearance to comply with all the provisions of this rule. In addition, the defendant(s) shall execute designation(s) of retained counsel,

which shall also bear the signature of both the attorney appearing *pro hac vice* and the associated resident attorney. Such designation(s) shall be filed and served within the same ten (10) day period.

(g) In bankruptcy cases, attorneys shall have ten (10) days after their first appearance to comply with all of the provisions of this rule.

(h) When all the provisions of this rule are satisfied, the court may enter an order approving the verified petition for permission to practice in the particular case. Such permission is limited to the particular case and no certificates shall be issued by the clerk.

(i) The granting or denial of a petition to practice under this rule is discretionary. The court may revoke the authority of the person permitted to appear as counsel under this rule to make continued appearances under this rule. Absent special circumstances, repeated appearances by any attorney or firm of attorneys under this rule shall be cause for denial of the verified petition of such attorney.

(1) It shall be presumed in civil and criminal cases, absent special circumstances, and only upon showing of good cause, that more than five (5) appearances by any attorney or firm of attorneys in the same office location granted under this rule in a three (3) year period is excessive use of this rule. It shall be presumed in bankruptcy cases, absent special circumstances, and only upon showing of good cause, that more than ten (10) appearances by any attorney or firm of attorneys in the same office location granted under this rule in a one (1) year period is excessive use of this rule.

(2) The attorneys shall have the burden to establish special circumstances and good cause for an appearance in excess of limitations set forth in subsection (h) (1) of this rule. The attorney shall set forth the special circumstances and good cause in an affidavit attached to the original verified petition.

(j) The petitioner shall attach to the verified petition a certified list of the prior appearances of petitioner and/or petitioner's firm (or office if there are offices in multiple cities.)

(k) When all the provisions of this rule are satisfied, the court may enter an order approving the verified petition for permission to practice in the particular case. Such permission is limited to the particular case and no certificate shall be issued by the clerk.

(l) Failure to comply timely with this rule may result in the striking of any and all documents previously filed by such attorney, the imposition of other sanctions, or both.

LR IA 10-3. GOVERNMENT ATTORNEYS.

Unless otherwise ordered by the court, any nonresident attorney who is a member in good standing of the highest court of any state, commonwealth, territory or the District of Columbia, who is employed by the United States as an attorney and, while being so employed, has occasion to appear in this court on behalf of the United States, shall, upon motion of the United States Attorney or the Federal Public Defender for this district or one of the assistants, be permitted to practice before this court during the period of such employment.

LR IA 10-4. LEGAL SERVICES ATTORNEYS.

(a) Unless otherwise ordered by the court, an attorney in good standing with the highest court of any state, commonwealth, territory, or the District of Columbia, who becomes employed by or associated with an organized legal services program funded from state, federal or recognized charitable sources and providing legal assistance to indigents in civil matters, may be admitted to practice before this court during the period of such employment or association, subject to the conditions of this rule.

(b) Application for admission to practice pursuant to this rule shall be filed with the clerk and be accompanied by:

(1) A certificate of the highest court of another state certifying the attorney is a member in good standing of the bar of that court; and

(2) A statement signed by the executive director of the organized legal services program that the attorney is currently associated with such program.

(c) Admission to practice under this rule shall terminate when the attorney ceases to be employed by or associated with the legal services program. When such attorney's employment or association concludes, a statement to that effect shall be filed immediately with the clerk by the executive director of the legal services program that sponsored the attorney's admission.

(d) Permission to practice pursuant to this rule is limited to representing clients aided by or under the auspices of the legal services program that sponsored the attorney's admission. The attorney may not receive compensation for such representation beyond the salary or other remuneration paid by the legal services program.

(e) Permission to practice before this court is limited, and no certificate shall be issued by the clerk nor admission fee required.

LR IA 10-5. LAW STUDENTS.

(a) Upon leave of court, an eligible law student acting under the supervision of a member of the bar of this court may appear before a United States district judge, bankruptcy judge, magistrate judge or in a meeting in the United States Bankruptcy Court pursuant to 11 U.S.C. § 341(a) on behalf of any client, including federal, state or local government bodies, if the client has filed written consent with the court.

(b) An eligible student must:

(1) Be enrolled and in good standing in a law school approved by the court and have completed one-half (½) of the legal studies required for graduation or be a recent graduate of such school awaiting the results of a state bar examination;

(2) Have knowledge of the applicable Federal Rules of Procedure and Evidence, the Model Rules of Professional Conduct as set forth in LR IA 10-7(a), and all other rules of this court;

(3) Be certified by the dean of the student's law school as adequately trained to fulfill all responsibilities as a law student intern to the court;

(4) Not accept compensation for any legal services directly from a client; and

(5) File with the clerk all documents required to comply with this rule.

(c) The supervising attorney shall:

(1) Have been admitted to practice before the highest court of any state for two (2) years or longer and be admitted to practice before this court;

(2) Agree in writing to be the supervising attorney;

(3) Appear with the student at all oral presentations before the court;

(4) Sign all documents filed with the court;

(5) Assume professional responsibility for the student's work in matters before the court;

(6) Assist and counsel the student in preparing matters before the court;

(7) Be responsible to supplement the student's oral or written work so as to ensure proper representation of the client; and

(8) Certify in writing that the student has knowledge of the applicable Federal Rules of Procedure and Evidence, the Model Rules of Professional Conduct as set forth in LR IA 10-7(a), and all other rules of this court.

(d) The dean's certification of the student shall be filed with the clerk and, unless sooner withdrawn, shall remain in effect until publication of the results of the first bar examination following graduation. The dean may withdraw the certification by written notice to the court.

(e) Upon fulfilling the requirements of this rule, the student may:

(1) Assist in preparing briefs, motions and other documents pertaining to a case before the court; or

(2) Appear and make oral presentations before the court when accompanied by the supervising attorney.

(f) A student's eligibility to participate in activities under this rule terminates automatically:

(1) If a student does not apply for and take the first Nevada bar examination to be administered after such student has satisfied the educational requirements therefor;

(2) Upon announcement of the results of that examination if the student has failed to pass it; or

(3) Fifty (50) days after the results of that general bar examination are announced, if the student has passed.

LR IA 10-6. APPEARANCES, SUBSTITUTIONS AND WITHDRAWALS.

(a) A party who has appeared by attorney cannot while so represented appear or act in the case. An attorney who has appeared for a party shall be recognized by the court and all the parties as having control of the client's case. The court in its discretion may hear a party in open court even though the party is represented by an attorney.

(b) No attorney may withdraw after appearing in a case except by leave of court after notice served on the affected client and opposing counsel.

(c) Any stipulation to substitute attorneys shall be by leave of court and shall bear the signatures of the attorneys and of the client represented. Except where accompanied by a request for relief under subsection (e) of this rule, the signature of an attorney to a stipulation to substitute such attorney into a case constitutes an express acceptance of all dates then set for pretrial proceedings, for trial or hearing, by the discovery plan, or in any court order.

(d) Discharge, withdrawal or substitution of an attorney shall not alone be reason for delay of pretrial proceedings, discovery, the trial, or any hearing in the case.

(e) Except for good cause shown, no withdrawal or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result. Where delay would result, the papers seeking leave of court for the withdrawal or substitution must request specific relief from the scheduled trial or hearing. If a trial setting has been made, an additional copy of the moving papers shall be provided to the clerk for immediate delivery to the assigned district judge, bankruptcy judge or magistrate judge.

LR IA 10-7. ETHICAL STANDARDS, DISBARMENT, SUSPENSION AND DISCIPLINE.

(a) Model Rules. An attorney admitted to practice pursuant to any of these rules shall adhere to the standards of conduct prescribed by the Model Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Nevada, except as such may be modified by this court. Any attorney who violates these standards of conduct may be disbarred, suspended from practice before this court for a definite time, reprimanded or subjected to such other discipline as the court deems proper. This subsection does not restrict the court's contempt power.

(b) Reciprocal discipline.

(1) Upon receipt of reliable information that a member of the Bar of this Court or any attorney appearing *pro hac vice* (a) has been suspended or disbarred from the practice of law by the order of any United States Court, or by the Bar, Supreme Court of Nevada, or other governing authority of any State, territory or possession, or the District of Columbia, or (b) has resigned from the Bar of any United States Court or of any State, territory or possession, or the District of Columbia while an investigation or proceedings for suspension or disbarment was pending, or (c) has been convicted of a crime, the elements or underlying facts of which may affect the attorney's fitness to practice law, this

Court shall issue an Order to Show Cause why this Court should not impose an order of suspension or disbarment.

If the attorney files a response stating that imposition of an order of suspension or disbarment from this Court is not contested, or if the attorney does not respond to the Order to Show Cause within the time specified, then the Court shall issue an order of suspension or disbarment. The Chief Judge shall file the order.

If the attorney files a written response to the Order to Show Cause within the time specified stating that the entry of an order of suspension or disbarment is contested, then the Chief Judge or other district judge who may be assigned shall determine whether an order of suspension or disbarment shall be entered. Where an attorney has been suspended or disbarred by another Bar, or has resigned from another Bar while disciplinary proceedings were pending, the attorney in the response to the Order to Show Cause, must set forth facts establishing one or more of the following by clear and convincing evidence: (a) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (b) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other jurisdiction's conclusion(s) on that subject; (c) imposition of like discipline would result in a grave injustice; or (d) other substantial reasons exist so as to justify not accepting the other jurisdiction's conclusion(s). In addition, at the time the response is filed, the attorney must produce a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the Court that less than the entire record will suffice.

(2) Should an attorney admitted to practice pursuant to any of these rules be transferred to disability inactive status on the grounds of incompetency or disability by any court of the United States, the Supreme Court of Nevada, or the highest court of another state, commonwealth, territory, or the District of Columbia, an order shall be entered requiring the attorney to show cause why this court should not enter an order placing the attorney on disability inactive status.

(3) An attorney who is the subject of an order of disbarment, suspension or transfer to disability inactive status may petition for reinstatement to practice before this court or for modification of such order as may be supported by good cause and the interests of justice.

(c) Upon receipt by the clerk of a certified copy of an order or judgment of suspension, disbarment, transfer to disability inactive status, or of a judicial declaration of incompetency or conviction of a felony or a crime of moral turpitude concerning a member of the bar of this court, or any other attorney admitted to practice before this court, the clerk shall bring such order to the attention of the court which shall enter the order provided for in subsections (b)(1) or (2) of this rule.

(d) The clerk shall distribute copies of any order of suspension, disbarment, transfer to disability inactive status or other disciplinary order entered pursuant to this rule to the attorney affected, to all the judges in this district, to the clerk of the Nevada Supreme Court, to the Nevada State Bar Counsel and to the American Bar Association's National Disciplinary Data Bank.

(e) On being subjected to professional disciplinary action or convicted of a felony or a crime of moral turpitude in Nevada or in another jurisdiction, an attorney admitted to practice pursuant to any of these rules shall immediately inform the clerk in writing of the action.

(f) Any attorney who, before admission to practice before this court, or during any period of disbarment, suspension or transfer to disability inactive status from such practice, exercises any of the privileges of an attorney admitted to practice before this court, or who pretends to be entitled to do so, is guilty of contempt of court and subject to appropriate punishment.